

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

FILED
U.S. DISTRICT COURT

2012 OCT 19 AM 8:49

CLERK C. Adair
SO. DIST. OF GA.

BELAY D. REDDICK, SR.,

Plaintiff,

v.

CIVIL ACTION NO.: CV212-112

LEONARD SMALL; ANNA S. DAVIS;
WTLD 90.5 FM; and SECRETARY,
(full name unknown) for Litway
Missionary Baptist Church,

Defendants.

ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Plaintiff asserts that the Magistrate Judge failed to construe his pleading liberally, as is required for *pro se* filings. Even construing Plaintiff's claims liberally, which the Magistrate Judge obviously did, Plaintiff does not set forth facts sufficient to sustain a cause of action against Defendants pursuant to Bivens v. Six Unknown Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). Plaintiff, as the Magistrate Judge noted, failed to make a showing of any governmental action.

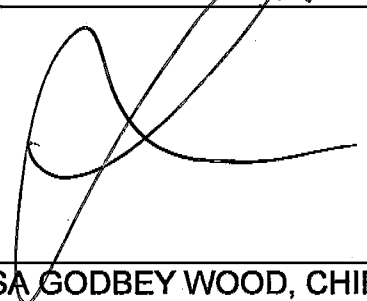
The undersigned agrees with the Magistrate Judge's conclusions that Plaintiff fails to meet the legal requirements under state law for slander and for intentional infliction of emotional distress claims. However, a Georgia state court may view

Plaintiff's allegations differently. To the extent Plaintiff wishes to pursue his state law claims against Defendants, he should do so by filing a cause of action in the appropriate state court.

Though Plaintiff entitled his pleading his Objections to the Magistrate Judge's Report and Recommendation and a Motion for Leave to File an Amended Complaint, this pleading was not docketed as a Motion for Leave to File an Amended Complaint. To the extent Plaintiff's pleading could be construed as such a Motion, his Motion is **DENIED**. Plaintiff's Complaint is wholly frivolous, and allowing Plaintiff to amend a frivolous complaint would not serve the ends of justice.

Plaintiff's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Plaintiff's Complaint is **DISMISSED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 16 day of October, 2012.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA